

## Isales, Cynthia

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**From:** Michael Johnson [MJohnson@ctlobby.com]  
**Sent:** Friday, January 20, 2012 8:41 AM  
**To:** Isales, Cynthia  
**Subject:** Submitted Comments  
**Attachments:** ACL Statement.doc

Cynthia – Attached to this message is the ACL statement for the OSE proposed regulation amendment regarding the adjustment of registration fees for lobbyists.

Thank you in advance for accepting this statement and please let me know if there's anything else I can provide to your office.

-Mike

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# ASSOCIATION OF CONNECTICUT LOBBYISTS

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Carol Carson  
Executive Director  
Office of State Ethics  
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Executive Director Carson:

It is my pleasure to submit these comments on behalf of all 117 members of the Association of Connecticut Lobbyists. Our organization endeavors to provide a thoughtful and clear understanding of the roles assumed on a daily basis by every registered lobbyist in Connecticut.

The ACL would first like to recognize the efficient and transparent model of communication OSE has exhibited in promptly notifying our organization of this proposed regulation amendment. We deeply appreciate the desire of OSE to have our perspective submitted into the public record and thank OSE and the newly-created Office of Government Accountability for giving us sufficient time to prepare these remarks.

Amendments regarding registration fee adjustments are frequently introduced by every agencies of the state however this amendment, as drafted, proposes to strip away the current oversight that exists in statute and grant OSE unilateral authority to determine an appropriate fee based on administrative burden to OSE.

Therefore, the ACL asks OSE to please consider maintaining the existing protocol for adjusting lobbyist registration fees. We have outlined the inherent flaws that exist in this proposal and ask that OSE please consider these perspectives before proceeding with the elimination of existing safeguards for approving fee adjustments.

## **Maintaining a Clear Model for Evaluating Proposed Adjustments**

The current OSE standard of adjusting registration fees for lobbyists is the same fair and transparent process utilized by all other state agencies. If approved, OSE would become the only agency to our knowledge that would be precluded from the regulations review protocol of collecting public input, holding public hearings and receiving approval of the proposal from the Legislative Regulations Review Committee.

It is unclear why OSE has identified this amendment as an ideal model for instituting fee adjustments when no other entity would have the ability to provide scrutiny on the proposal. Members of the public and the legislative branch continually offer meaningful considerations for every proposed amendment and always work with the best effort of finding solutions to any problems that do or could exist.

OSE has not clarified to CEAB, members of the public and legislative branch what problems OSE is attempting to correct with this amendment. There should be a more thorough understanding of the goals OSE intends to accomplish and how this will enhance efficiency for OSE.

## **An Ill defined Administrative Fee Formula**

The indicators used by OSE to determine the administrative costs of processing lobbyist registrations and printing badges are too broadly defined in the amendment. The following language is contained in the amendment to provide clarification on the administrative fee:

*"The fee for filing a biennial registration shall be calculated and published by the Office of State Ethics in advance of each legislative biennium and shall not be in excess of the cost per registrant of administering the filing, plus the cost of collecting, filing, copying and distributing the information submitted by registrants."*

The ACL acknowledges the fair principle of ensuring the state not incur the burden of funding the processing of client and communicator lobbyist registrations but also believes the defined indicators used by OSE are too vague and ambiguous.

Executive Director Carson stated at the November 15, 2011 CEAB meeting that the fee, according to the language, could technically be reduced if OSE assesses less of an administrative burden for a biennial period. What tools would the board members of CEAB, or any other separate entity, possess to help make that determination? There needs to be a clear mechanism for the members of CEAB to assess this burden.

The purpose of having public hearings and legislative approval for amendments to agency regulations is to have the agency clarify all the factors that were calculated when the adjustments were proposed. If OSE is permitted to unilaterally adjust the fee every biennial, when would OSE be required to crystallize the reasons for adjusting the fee?

In conclusion, we ask again for OSE to please consider maintaining the existing protocol for adjusting lobbyist registration fees. Please do not hesitate to contact me or any other members from the ACL board if you have any questions regarding the statement that has been submitted.

Respectfully,

Michael J. Johnson  
President  
Association of Connecticut Lobbyists